“SAUDI” ARABIA AND RULING BY THE FABRICATED LAWS

Ahlut-Tawhid Publications

An Exclusive Multi-Signed *Fatwa* on the Ruling by the Fabricated Laws in “Saudi” Arabia
Signatories: Shaykh ʻAli al-Khudayr, Shaykh Hamad al-Humaydi, Shaykh Nasir al-Fahd, Shaykh Ahmad al-Khalidi, Shaykh Hamid ar-Rayyis, Shaykh Muhammad ar-Rashudi, Shaykh Muhammad as-Saqʻidi, Shaykh ʻAbdullah as-Sa’d, Shaykh Ahmad as-Sinani, and Shaykh ʻAbdul-ʻAziz al-ʻAmr
Source: http://www.ilmway.com/site/maqdis/MS_21043.html
Translated and Published by: Ahlut-Tawhid Publications

· Ahlut-Tawhid Publications is a group of *muwahhidin* who witnessed the deceptive corpus of material being translated into English and intends to counter it by going on the offensive in translating various books, *fatawa*, articles, and audios from the *ʻulama* in order for the *ummah* who have been drugged asleep to awaken to the taste of the sweet honey of the righteous scholars, those who fulfilled their trust and sacrificed for the sake of Allah, by His (*taʻala*) permission.

أهل التوحيد
Publications

QUESTION: All praise belongs to Allah, the Lord of creation; and may the *salah* and *salam* [of Allah] be upon the Messenger of Allah and those who gave their allegiance to him. To the noble scholars, may Allah grant you all success: *as-salamu 'alaykum wa rahmatullahi wa barakatuhu*, as for what follows…

A memo has been issued to the judges by the number 13/Ta/2071 on the date 5/9/1423 H, attached herein, adopting to refrain from taking complaints to *Shari'ah* courts concerning what gets published in the papers and magazines, and delivering it instead to the media department. Also, what gets published in the papers, like in the economic journal, number 3331 on the date 18/Ramadan/1423 H, directed by the Justice Minister to the court's judges with the necessity of complying with the verdict, article 37 from the scheme of print outs and publications, and it dictates that

> The affairs related to publications in the papers is exclusive to the media department, not the *Shari'ah* courts. A committee looks into the specific differences within the system itself, comprised of decisions from the media minister, and is headed by the deputy of the ministry who has authorization. Its members aren't less than three, each one of them would be a legal consultant and the committee issues decisions based upon the majority vote after inviting the opposition or whoever represents him and listening to his statement. It is permissible to invite whoever it sees can be heard regarding his opinions, just as it's permissible for it to seek aid by whom it sees fit, and the decisions made by the committee aren't approved except after the ministry conforms to it.

What is your opinion regarding this? May Allah preserve you all.

ANSWER: All praise belongs to Allah; and may the *salah* and *salam* [of Allah] be upon the Messenger of Allah. *Wa 'alaykum as-salam wa rahmatullahi wa barakatuh*. As for what follows…

Allah (*subhanahu wa ta'ala*) has made the judgment for Him and seeking judgment from His *Shari'ah* exclusively, nothing else. He (*ta'ala*) said, "The decision (*hukm*) is solely for Allah. He relates the truth, and He is the best of deciders." And He (*ta'ala*) said, "The command (hukm) is solely for Allah. He has commanded that you worship none but Him." And He (*ta'ala*) said, "He does not have *shirk* in His rule." And He (*ta'ala*) said, "So whoever does not judge by what what Allah revealed, then it is those who are the disbelievers." And He (*ta'ala*) said, "And Allah judges (*yahkumu*); there is no adjuster of His decision." And He (*ta'ala*) said, "But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission." And He (*ta'ala*) said, "Have you not seen those who claim that they believe in that which has been sent down to you and that which was sent down before you; they wish to go for judgment to the *taghut* while they have been ordered to disbelieve in it. And *Shaytan* wishes to lead them far astray." And He (*ta'ala*) said, "Unquestionably, His is the judgment (*hukm*), and He is the swiftest of accountants." And He (*ta'ala*) said, "To Him is [due all] praise in the first [life] and the Hereafter. And His is the [final] decision (*hukm*), and to Him you will be returned." And He (*ta'ala*) said, "And if you disagree over anything, refer it to Allah and the messenger, if you should believe in Allah and the Last Day." And He (*ta'ala*) said, "But who is better than Allah in judgment for a people who are certain [in *iman*]." And He (*ta'ala*) said, "Is not Allah the most just of judges?"

And He said to His prophet, "Indeed, We have revealed to

you, [O Muhammad], the Book in truth, so you may judge between the people by that which Allah has shown you." And He also said, "So judge between them by what Allah has revealed and do not follow their inclinations…" And on the authority of Abu Shurayh, that the Prophet (*sallallahu 'alayhi wa sallam*) said to him, "Allah is the Judge and the rule is His."[1] And other than this from the *ayat* and *ahadith* which establish that judgment is not referred back except to Allah, not towards the fabricated man-made courts in any ministry or whatever circle it may be.

The scholars have remained confronting the likes of this trend. Shaykh al-'Allamah Muhammad ibn Ibrahim (*rahimahullah*) has confronted the likes of that and it is mentioned in his *fatawa* "A Memo for the Judges in Observing all Affairs." His (*rahimahullah*) memo states:

> It has reached us that some judges refer some matters to the ministry of labor and social development or other than it from the panels under the pretext that this is from the exclusivity of a particular entity. It is clear that the Islamic *Shari'ah* is capable of fixing human circumstances in all aspects, in every material respect and the likes. There is an acknowledgement in this for the fabricated man-made laws by referring to those entities [for judgment], agreeing upon the systems that contradict the fundamental principles of the pure *Shari'ah*, outwardly showing the courts in an incapable and sluggish fashion, announcing the freeing of oneself from the obligations and running away from responsibilities. Thus base your observations and judgments in everything that gets referred to you by of what the noble *Shari'ah* necessitates.

[1] Related by Abu Dawud and an-Nasai.

He also mentioned in a similar reply:

> We have verified that when this commercial chamber became the reference point in disputes there will be a court for it and that the rulers aren't legitimate, rather they are systematic and man-made. There is no doubt that this clashes with what Allah sent His messenger (*sallallahu 'alayhi wa sallam*) with of the *Shari'ah* which is the only suitable law to judge between mankind with. Taking into consideration something from the fabricated man-made laws to judge by it, even if it is a little, no doubt displays a lack of acceptance to the ruling of Allah and His messenger and attributes deficiency towards the judgment of Allah and His messenger.

The likes of this are plenty in his (*rahimahullah*) *fatawa* and his brothers amongst the righteous scholars (*rahimahumullah*) *fatawa*. From the man-made courts Shaykh Muhammad ibn Ibrahim and his brothers rejected and fought include: (a) The Commercial Court, (b) Courts for solving commercial disputes, (c) Labor courts, (d) The committees that possess jurisdiction capabilities, (e) Health courts, (f) Military courts, (g) Media department courts, and other than that which opposes the *Shari'ah* of Allah, clashes with it, and expels one from the *millah* [of Islam]. We ask Allah for safety and well-being.

As for the claim that the entities which these courts rule by do not go against the *Shari'ah* or that it is extracted from it or that the judgment within it is by legitimate judges, then it is a claim which is void of proof and evidences. It is demolished by the instituted proceeds of these laws which are known as entities or statues or protocols which do not refer back to the *Shari'ah* for solutions or regulations. Just like it is demolished by the character of its members who do not have anything to do with the *Shari'ah*. And even if there

were some *shar'i* judges present, they cannot act independently from the decisions made by these committees because it goes by the majority vote, and it does not permit one to go outside the tenets of the system. The previous Deputy Minister of Justice mentioned in his book *At-Tandhim al-Qadai*

> The other judicial committees and panels said: Indeed, many of the affairs and disputes which came out of the authority of the common courts, and distributing it of other judicial committees and panels which follow several entities, such as the commercial courts - which was previously known as "the committee of solving commercial disputes" - which presently follows in its configuration and intelligence the commercial ministry. The judiciary labor committee follows the labor department and social affairs, and the tariff committees are compromised by the command of the deputy minister of wealth etc., which constricts the judicial authorities command and deprives it from its position of solving all the differences and disputes where the system could hardly issue anything, except that it dictates in it the distribution of a committee to implement the punishments upon the contravener.

Then he listed the present man-made courts under a committee name, mentioning over 20 man-made courts by the name of a committee or panel.

It is not permissible to exempt anyone from the *Shari'ah* in order for him to not be judged through its courts, whoever that maybe; whether they were journalists, politicians, soldiers, staff personnel, or others, [it is not permissible]. There is also no separation between the *din*, journalism, politics, or anything else. On the authority of ibn 'Abbas (*radiyallahu 'anhu*) that the Prophet (*sallallahu*

'alayhi wa sallam) said, "The most hated of people to Allah are three: the *mulhid* (deviant) in the *Haram*, a person who seeks to bring the traditions of *jahiliyyah* in Islam…"[2] And it is reported from 'Aishah in the two books of *sahih ahadith* that Usamah spoke to the Prophet (*sallallahu 'alayhi wa sallam*) regarding a woman, so he replied, "Those before you were destroyed because if anyone of their nobles stole they spared him, and if any poor amongst them stole they implemented the punishment upon him. By the One who holds my soul in His hand, even if Fatimah stole, I would have her hand cut off." A chapter of al-Bukhari is entitled, "Establishing the *Hudud* upon the Noble and Poor." Ibn Hajr said, "He must depart from favoritism in applying the *hadd* upon whom it is required, even if it was his father or close relative or someone with noble status. He must emphasize that and reject those who give leeway or wish to intercede for one whom the *hadd* is required."

Ibn Taymiyyah (*rahimahullah*) said, "Whoever believes there is something given to the *awliya* of Allah that makes them non-obliged to follow the messengers and obey them, then he is a *kafir* whose repentance must be sought. He either repents or is killed, such as whoever believes that there is someone in the *ummah* of Muhammad that can free himself from following him the way al-Khidr freed himself from following Musa." Shaykh Muhammad ibn 'Abdil-Wahhab (*rahimahullah*) mentioned in the ninth nullifier, "Whoever believes that some people can leave the *Shari'ah* of Muhammad (*sallallahu 'alayhi wa sallam*) like al-Khidr left the *Shari'ah* of Musa (*'alayhis-salam*) is a *kafir*."

Therefore, it is incumbent upon the scholars, judges, *du'ah*, and people of goodness to stand up to what is obligatory upon them in repelling this enormous evil and hoping for Allah's reward in confronting and striving against it; for indeed, it relates to *tawhid*, *iman*

[2] Related by al-Bukhari.

and *kufr*. Abstaining from judging by the *Shari'ah* for the man-made laws is disbelief in Allah, *al-'Adhim,* and something which takes one outside the fold of Islam. And there is no power nor strength except with Allah.

Finally, the *mufti* of the land, Shaykh Muhammad ibn Ibrahim (*rahimahullah*) said

> Verily from the greatest and clearest *kufr* is giving the accursed man-made laws the position of that which the faithful spirit descended upon the heart of Muhammad (*sallallahu 'alayhi wa sallam*) that he should be a warner in the clear Arabic tongue, judging between the people by it, referring back to it when there is a dispute, in contradiction to, and in obstinate rejection to the saying of Allah (*'azza wa jall*), "Oh you who believe! Obey Allah and obey the messenger, and those of you (*Muslimin*) who are in authority. [And] if you differ in anything amongst yourselves, refer it to Allah and His messenger, if you believe in Allah and in the Last Day. That is better and more suitable for final determination."

May the *salah* and *salam* be upon our Prophet Muhammad, his family, and his companions altogether.